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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,351	04/29/2004	Philip L. Campbell	FIS920040120US1	3350
32074	7590	03/08/2006	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORPORATION			BEAULIEU, YONEL	
DEPT. 18G			ART UNIT	PAPER NUMBER
BLDG. 300-482				3661
2070 ROUTE 52				
HOPEWELL JUNCTION, NY 12533				

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/709,351	CAMPBELL ET AL.	
	Examiner	Art Unit	
	Yonel Beaulieu	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Claim Rejections - 35 USC § 112

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not readily understood as to the requirement of having *RF leakage* along the length of the cable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 7 – 14, and 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipate by Wang (US 5,912,644).

Regarding claims 1, 3, and 18, Wang teaches a system and a method for controlling a set of material carriers under control of a master controller comprising: a set of at least two material carriers (6 and 7) having a spread spectrum RF transceiver (abstract, lines 7-8; summary; col. 9, lines 58 – 67); at least one master controller unit (1) having a spread spectrum RF transceiver in which communication between said controller and said set of carriers passes through a link comprising an extended

conductor (twin-lead cable/wire) connected to said controller and an antenna (101) connected to each carrier; and each carrier contains a carrier processor for processing data received by said RF transceiver (col. 9, lines 12 – 43 and col. 20, lines 18 – 24 at least).

Regarding claims 4 and 19, Wang further teaches each carrier receives a location signal from nearby carriers indicating the position of said nearby carriers and broadcasts location information indicating its own location (summary; col. 5, lines 21 – 43; col. 32, lines 32 – 44).

Regarding claims 7 – 14, Wang further teaches said master controller communicates with a set of zone controllers, each of which controls a set of carriers within a corresponding zone of said system through separate channels/addresses (ID) in said RF spread spectrum (col. 7, lines 46 – 65; fig. 1), whereby said at least one zone has an air interface link in addition to said link comprising an extended conductor (Wang's teaching uses wireless technology as noted in the abstract at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6, 15 - 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang ('644) as applied to claims 1 and 18, directly or indirectly, and further in view of Wadell et al. (US 6,204,813 B1).

As discussed above, Wang teaches all of the limitations of claims 5, 6, 15, 16, and 20 except for including sufficient leakage in the cable to allow transmission and calculating whether the carrier will collide with nearby carriers.

However, Wadell teaches, in the same field of endeavor of controlling a carrier under the control of a master controller, calculating whether the carrier will collide with nearby carriers (col. 12, lines 12 – 22 at least).

It would have been obvious to one of ordinary skill at the time of the invention to have modified Wang's teaching by calculating whether the carrier will collide with nearby carriers as evidenced by Wadell et al. for safety.

As to the cable leakage, it has not been shown as to why any leakage is necessary and whether such a leakage has solved any stated problem in the RF transmission art. Overall, the above combination is close enough that one skilled artisan would have expected the same end result.

Furthermore, using an attenuator would have been obvious to the skilled artisan as old and well-known in the spread spectrum RF art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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